

## PRESIDÊNCIA DA REPÚBLICA

## Decreto do Presidente da República n.º 72/97

de 6 de Dezembro

O Presidente da República decreta, nos termos do artigo 135.º, alínea b), da Constituição, o seguinte:

É ratificado o Protocolo Adicional à Carta Social Europeia Prevendo Um Sistema de Reclamações Colectivas, aberto à assinatura em Estrasburgo em 9 de Novembro de 1995, aprovado, para ratificação, pela Resolução da Assembleia da República n.º 69/97, em 2 de Outubro de 1997.

Assinado em 4 de Novembro de 1997.

Publique-se.

O Presidente da República, JORGE SAMPAIO.

Referendado em 19 de Novembro de 1997.

O Primeiro-Ministro, *António Manuel de Oliveira Guterres*.

## ASSEMBLEIA DA REPÚBLICA

## Resolução da Assembleia da República n.º 69/97

Aprova, para ratificação, o Protocolo Adicional à Carta Social Europeia Prevendo Um Sistema de Reclamações Colectivas, aberto à assinatura pelos Estados membros do Conselho da Europa, em Estrasburgo, em 9 de Novembro de 1995.

A Assembleia da República resolve, nos termos dos artigos 164.º, alínea j), e 169.º, n.º 5, da Constituição, aprovar, para ratificação, o Protocolo Adicional à Carta Social Europeia Prevendo Um Sistema de Reclamações Colectivas, aberto à assinatura em Estrasburgo em 9 de Novembro de 1995, cujas versões autênticas em língua inglesa e francesa e respectiva tradução em língua portuguesa seguem em anexo.

Aprovada em 2 de Outubro de 1997.

O Presidente da Assembleia da República, *António de Almeida Santos*.

## ADDITIONAL PROTOCOL TO THE EUROPEAN SOCIAL CHARTER PROVIDING FOR A SYSTEM OF COLLECTIVE COMPLAINTS

Preamble

The member States of the Council of Europe, signatories to this Protocol to the European Social Charter, opened for signature in Turin on 18 October 1961 (hereinafter referred to as «the Charter»):

Resolved to take new measure to improve the effective enforcement of the social rights guaranteed by the Charter;

Considering that this aim could be achieved in particular by the establishment of a collective complaints procedure, which, *inter alia*, would strengthen the participation of management and labour and of non-governmental organisations;

have agreed as follows:

## Article 1

The Contracting Parties to this Protocol recognise the right of the following organisations to submit complaints alleging unsatisfactory application of the Charter:

- a) International organisations of employers and trade unions referred to in paragraph 2 of article 27 of the Charter;
- b) Other international non-governmental organisations which have consultative status with the Council of Europe and have been put on a list established for this purpose by the Governmental Committee;
- c) Representative national organisations of employers and trade unions within the jurisdiction of the Contracting Party against which they have lodged a complaint.

## Article 2

1 — Any Contracting State may also, when it expresses its consent to be bound by this Protocol, in accordance with the provisions of article 13, or at any moment thereafter, declare that it recognises the right of any other representative national non-governmental organisation within its jurisdiction which has particular competence in the matters governed by the Charter, to lodge complaints against it.

2 — Such declarations may be made for a specific period.

3 — The declarations shall be deposited with the Secretary General of the Council of Europe who shall transmit copies thereof to the Contracting Parties and publish them.

## Article 3

The international non-governmental organisations and the national non-governmental organisations referred to in article 1, b), and article 2 respectively may submit complaints in accordance with the procedure prescribed by the aforesaid provisions only in respect of those matters regarding which they have been recognised as having particular competence.

## Article 4

The complaint shall be lodged in writing, relate to a provision of the Charter accepted by the Contracting Party concerned and indicate in what respect the latter has not ensured the satisfactory application of this provision.

## Article 5

Any complaint shall be addressed to the Secretary General who shall acknowledge receipt of it, notify it to the Contracting Party concerned and immediately transmit it to the Committee of Independent Experts.

## Article 6

The Committee of Independent Experts may request the Contracting Party concerned and the organisation which lodged the complaint to submit written information and observations on the admissibility of the complaint within such time-limit as it shall prescribe.